

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

KELLY CAHILL, SARA JOHNSTON,  
LINDSAY ELIZABETH, and HEATHER  
HENDER, individually and on behalf of  
others similarly situated,

No. 3:18-cv-01477-JR

ORDER

Plaintiffs,

v.

NIKE, INC., an Oregon Corporation,

Defendant.

HERNÁNDEZ, District Judge,

Magistrate Judge Jolie A. Russo issued a Findings and Recommendation on October 11, 2023, in which she recommends that the Court grant the Media Intervenors' renewed Motion to Unseal Judicial Records and order various exhibits to be unredacted. ECF 363.

On October 25, 2023, Defendant filed objections to the Findings and Recommendation, ECF 376. The matter is now before the Court pursuant to Federal Rule of Civil Procedure 72(a).

In accordance with Rule 72(a), “[w]hen a pretrial matter not dispositive of a party’s claim or defense is referred to a magistrate judge to hear and decide, the magistrate judge must promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision.” Fed. R. Civ. P. 72(a). The standard of review for an order with objections is “clearly erroneous” or “contrary to law.” 28 U.S.C. § 636(b)(1)(A) (applying the “clearly erroneous or contrary to law” standard of review for non-dispositive motions). If a ruling on a motion is not determinative of “a party’s claim or defense,” it is not dispositive and, therefore, is not subject to *de novo* review.<sup>1</sup>

The Court has carefully considered Defendant’s objections and concludes they do not provide a basis to modify the Findings and Recommendation.

### **CONCLUSION**

The Court adopts Magistrate Judge Russo’s Findings and Recommendation, ECF 363. Accordingly, the Court GRANTS the Media Intervenors’ Motion to Unseal Judicial Records and ORDERS the following exhibits to be unredacted: Exhibit 46 to the Declaration of Mengfei Sun in Support of Plaintiffs’ Motion for Class Certification, Exhibit 47 to the Declaration of Mengfei Sun in Support of Plaintiffs’ Motion for Class Certification, Exhibit 48 to the Declaration of Mengfei Sun in Support of Plaintiffs’ Motion for Class Certification, Exhibit 51 to the Declaration of Mengfei Sun in Support of Plaintiffs’ Motion for Class Certification, Exhibit 52 to the Declaration of Mengfei Sun in Support of Plaintiffs’ Motion for Class Certification, Paragraph 16 of the Declaration of Byron Goldstein in Support of Plaintiffs’ Motion for Class


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<sup>1</sup> Although Judge Russo issued her decision as a Findings and Recommendation, it decides a pretrial matter not dispositive of a party’s claim or defense. Accordingly, the Court evaluates Judge Russo’s decision under the clearly erroneous or contrary to law standard.

Certification, and Exhibit 9 to the Declaration of Byron Goldstein in Support of Plaintiffs’  
Motion for Class Certification.

IT IS SO ORDERED.

DATED: January 5, 2024

  
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MARCO A. HERNÁNDEZ  
United States District Judge